

MOTION SEEKING EMERGENCY RELIEF

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CLERK US DISTRICT COURT DISTRICT OF NEVADA	
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1. HIGH DESERT STATE PRISON
2. INDIAN SPRINGS, NV. 89070
3. JOSEPH MIZZONI #68549

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

8. JOSEPH MIZZONI
9. Plaintiff
10.
11. VS.
12.
13. STATE OF NEVADA ex rel
14. C/O ALLISON, et al.
15. Defendants

CASE # 3:15-00313-MMD-VPC
AND # 3:15-CV-0049
MOTION SEEKING PERMISSION TO
RECEIVE EMERGENCY INJUNCTION
RELIEF

17. COMES NOW, Plaintiff Joseph Mizoni #68549 PRO-SE
18. for the above case # 3:15-CV-00313-MMD-VPC and I
19. Respectfully am seeking Emergency Injunction Relief on his
20. § 1983 CIVIL RIGHTS COMPLAINT PURSUANT TO 42 USC § 1983.
21. also case 3:15-CV-0049.

I.

STATEMENT OF FACTS IN SUPPORT I

1. 1) I am the Plaintiff Joseph Mizzoni in Pro-se
 2. and am requesting to respond on a "MOTION SEEKING PERMISSION."
 3. See; Homes v. Kerner, 404 U.S. 519, 520 (1972) (Allegation of a Pro-se
 4. Complaint are held to less stringent standards than formal pleadings
 5. drafted by lawyers.

6.
 7. (FACT 1) Plaintiff filed a §1983 Civil Complaint with this Honorable Court
 8. on the 8th day of June, 2015
 9.

10. (FACT 2) Plaintiff received a "LIMITED NOTICE OF APPEARANCE" by
 11. the Defendants attorney for only (3) Defendants Christopher Smith,
 12. Robert Andiger, and a Sergeant (NOOC) Ms Robertson on the 19th day of
 13. January, 2016
 14.

15. (FACT 3) Plaintiff filed 2 more motions, one "MOTION TO RESPOND
 16. TO DOC #7 DEFENDANTS LIMITED NOTICE OF APPEARANCE" on the
 17. 19th day of January, 2016 and the other was "MOTION SEEKING
 18. PERMISSION TO KNOW DUE PROCESS OF FRCP AND LAWS TO THAT
 19. CASE NUMBER # 3:15-CV-00313-MMD-VPC; AND REQUEST TO ADD
 20. ONE DEFENDANT ASSISTANT DIRECTOR E.K. MCDANIEL on the
 21. 24th day of January, 2016.
 22.

23. (FACT 4) Plaintiff has no idea about Doc #6 nor does he know how
 24. long these "Key" Defendants are going to offer anything, and because
 25. all Defendants mostly Defendant C. Smith lying on a (NOOC) Displeasure
 26. report and Defendant Ms Robertson and the rest including C. Smith using
 27. false pictures at the IG's Office to convict the Plaintiff of
 28.

(Continued)

1. Assault, Battery, and Cussing criminal and Nevada Dept of Corrections
 2. Disciplinary AR 707 (NDOC), and in turn found guilty of the
 3. (NDOC) Disciplinary on the 1 day of May, 2015 and on that guilt
 4. it specified Mr C Smiths report stating Plaintiff hit him
 5. on the right temple and Ms Roberson being the hand held
 6. video operator and still pictures of C. Smiths face and a false
 7. hand picture to say to the IG's Office ~~along~~ along with
 8. (NDOC) other defendants conspiring to this false evidence, perjury,
 9. Obstruction of Justice, false arrest, millisher prosecution of
 10. Assault and Battery on a Police Officer that, all of Plaintiffs
 11. Disciplinary Charges would and should respectfully all be dismissed
 12. pending further investigation and putting plaintiff on Administrative
 13. Segregation and placed back to (NDOC) Prison with his same amenities
 14. privileges, and liberties to the sanctions by the Defendants Immediately.
 15. Plaintiff is at High Desert State Prison receiving eye cataracts surgery
 16. and care to his eyes and will be done in (2) weeks, and
 17. he was housed at a maximum security State prison for this conspiring
 18. illegal prosecution and Disciplinary. Plaintiff was sanction (2) years in
 19. Disciplinary Segregation, Stat time Referral, Restitution, loss of Store, loss of Visits,
 20. loss of appliances or to be able to purchase them, and other related privileges,
 21. amenities and liberties. Plaintiff filed a separate §1983 case in this
 22. US/DIST/COURT/NEV/Reno, Case Number # 3:15-CV-00499 unassigned to a
 23. Judge yet, and it was filed on the 10th day of September, 2015. This is Retributory.
 24. See; Duault v. Carter, 224 F.3d 607, 617-8 (7th Cir 2000) (enote "may challenge"
 25. a prison disciplinary under §1983 provided the punishment he received did
 26. not effect the length of his incarceration)
 27. See; Black v. Lane, 22 F.3d 1395 (7th Cir 1994) Also; See; Cain vs. Lane, 857.
 28. F.2d 1139 (7th Cir 1988)

-3- [MY DAD IS VISITING ME MARCH 2016
 HE SHOULD NOT HAVE TO FROM NY BEHIND GLASS
 I AM IN COH.

(Continued)

1. See; Del Rame v. Williford, 32 F.3d 1024, 1038 (7th Cir. 1994)
2. (A failure of prison officials to act in such circumstances suggests
3. that the officials actually wanted the prisoner to suffer harm.)
4. See; Buckner v. Hollins, 983 F.2d 119, 123 (8th Cir. 1993) (Veltrop's failure to
5. intervene in order to stop Buckner's beating... would provide a ample
6. basis for a jury to conclude that Veltrop... violated Buckner's Eighth
7. Amendment rights.)
8. See; Woods v. Smith, 60 F.3d 1161 (5th Cir. 1995) At 1165.
9. See; Smith v. Rowe, 761 F.2d 360 (7th Cir. 1985) Female inmate
10. was awarded \$80,770 for being unjustly placed into segregation
11. (22 months).

12. On all circumstances of these case law plaintiff is entitled

13. to be released from Disciplinary Segregation because by the Defendants

14. Christopher Smith wanting to out of Court settlement and was the Officers

15. Report on D/S should be enough new evidence to honor this relief.

16. And also Ms. Roberson Sergeant (NROC) part on the false pictures admitted

17. to plaintiff's evidence and her subordinates honoring such evidence and

18. allowing it to prosecute Plaintiff under false pretenses should give plaintiff

19. relief of his disciplinary. See; US/DIST/COURT/NEW/RENO Case # 3:15-cv-

20. 00313-mmd-vpc "LIMITED NOTICE OF APPEARANCE" dated the 15th day of

21. January, 2016 Doc# 7. The Disciplinary is not part of a settlement. I dare nothing wrong.

II.

CONCLUSION

24. WHEREFORE, Plaintiff ask for the Emergency Injunction Relief to

25. be released off of the 5-1-15 Disciplinary by (NROC) which lead to

26. the excessive force in this case as well and other Constitutional 8th and 14th Violations USCA.

27. Can Plaintiff get a ORDER per Judge for these Cases immediately. Thank You

28. RESPECTFULLY SUBMITTED

thru 15th day of February 2016

BY: Joseph M. ...
JOSEPH M. ... #68549

III.AFFIDAVITS OF JOSEPH MIZONI #68549 IN-PRO-SE

1. STATE OF NEVADA)

2. : ss

3. CLARK COUNTY)

4.

5. (1) Plaintiff sworn in support of the Motion duly and sworn says;

6.

7. (2) Plaintiff in Prose Joseph Mizoni #68549 in support of this
8. Affidavit here for a "MOTION SEEKING PERMISSION TO RECEIVE EMERGENCY
9. INJUNCTION RELIEF" IN THE US DIST. COURT OF NV FOR

10. THE [REDACTED] DISTRICT OF NEVADA and does do so for his

11. §1983 Civil Rights Complaint case # 3:15-00313-MMD-VR and

12. Case # 3:15-CV-00499 in a truefull manner under sworn affidavit combined

13.

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RESPECTFULLY SUBMITTED
This 15th day of February, 2015BY: Joseph Mizoni
JOSEPH MIZONI
#68549

IV.CERTIFICATE OF SERVICE BY MAIL

1. I Joseph Mizzoni #68549, hereby certify pursuant to 28 USC §1746
 2. that on this 15th day of February 2016 I mailed a true correct copy of the
 3. foregoing " MOTION SEEKING PERMISSION TO RECEIVE EMERGENCY
 4. INJUNCTION RELIEF" for Case # 3:15-00313-MMD-VAC and Case # 3:15-
 5. CV-0049" by giving same to prison guard officials and at the
 6. High Desert State Prison to depart in the U.S. Mail Bros Slips #1703479
 7. sealed and postage prepaid, and addressed to:
 8.

9. (1) CLERK, US DIST. COURT
 10. DISTRICT OF NEVADA
 11. 400 S. Virginia St., Room # 301
 12. Reno, NV. 89501

(2) OFFICE OF ATTORNEY GEN. NEVA
 MR. Randall Gilmer
 100 Carson Street
 Carson City, NV. 89701-4717

13.
 14. (3) Plaintiff Address
 15. Joseph Mizzoni #68549
 16. H.O.S.P.
 17. Po Box 650
 18. Indian Springs, NV. 89070
 19.
 20.

21. RESPECTFULLY SUBMITTED
 22. this 15th day of February 2016.
 23.

24. BY: *Joseph Mizzoni*
 25. Joseph Mizzoni
 26. #68549
 27.
 28.